

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

NANCY ROSARIO, INDIVIDUALLY,  
AS SHE IS THE ADMINISTRATRIX OF  
THE ESTATE OF AWILDA SANTIAGO,  
ESSEX PROBATE COURT DOCKET  
#03P-2499ADI, P/P/A VERONICA  
ROSARIO AND CHRISTINA SANTIAGO,  
AND AS SHE IS THE ADMINISTRATRIX  
OF THE ESTATE OF JOSE SANTIAGO,  
BERLIN (CONNECTICUT) PROBATE  
COURT, CASE #03-0713

Plaintiff

v.

RARE HOSPITALITY INTERNATIONAL,  
INC. d/b/a LONGHORN STEAKHOUSE

Defendant

Civil Action Number:  
05-CV-10617MLW

**DEFENDANT'S ASSENTED TO MOTION TO EXTEND DEADLINE  
FOR EXPERT SUBMISSIONS**

Now comes the Defendant, RARE Hospitality International Inc., d/b/a LongHorn Steakhouse ("RARE"), and pursuant Fed. R. Civ. P. 26(d) respectfully requests that this Honorable Court extend the deadline for expert submissions in this case to February 1, 2007.

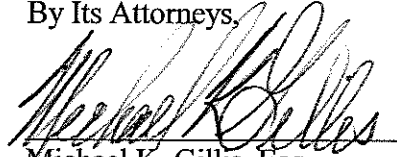
In support thereof, the Defendant states the following:

- 1) On October 31, 2006, the Plaintiffs submitted their expert disclosures in this case.
- 2) Said expert reports amounted to nearly two thousand pages of documents and reports, some of which was not anticipated by the Defendant based on the evidence to date.
- 3) Responses to said expert reports require further factual information that is not currently available to the Defendant but which the Defendant is currently obtaining.
- 4) Defendant's experts must now read, analyze and reply to Plaintiff's reports.

- 5) Many of Defendant's experts have reduced availability for much of the period between November 1 and January 1 because of the holiday season and academic requirements.
- 6) Defendant's experts may need to examine the plaintiffs, two of whom are in school, in order to provide their opinion, and it appears best to schedule any such examinations over the Christmas vacation week so as not to interfere with the school schedules of the plaintiffs.
- 7) In the interests of justice and equity, the Defendant must be given additional time to prepare its expert reports.
- 8) The Plaintiff does not oppose, and if fact assents to, the extension of this discovery deadline.
- 9) It is in within the Court's discretion to change the sequence of discovery "for the convenience of the parties and witnesses and in the interests of justice." See *Dimension Data North America, Inc., v. NetStar-1, Inc.*, 226 F.R.D. 528 (E.D.N.C. 2005).
- 10) Neither party will be prejudiced by the extension of deadline for Defendant's expert disclosures,
- 11) The parties are not seeking at this time an extension of any other deadlines.

WHEREFORE, the Defendant, RARE Hospitality International, Inc., d/b/a LongHorn Steakhouse respectfully requests that this Honorable Court grant an extension to the deadline for its expert submissions until February 1, 2007.

The Defendant,  
By Its Attorneys,



Michael K. Gillis, Esq.

BBO# 543551

Neil D. Schnurbach, Esq.

BBO# 664534

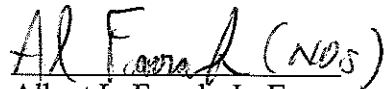
GILLIS & BIKOFSKY, P.C.

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Tel. 617-244-4300

Assented to by:  
The Plaintiff,  
By Her Attorneys,



Albert L. Farrah, Jr, Esq.

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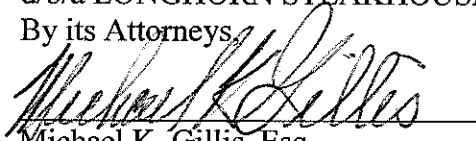
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**CERTIFICATE OF SERVICE**

I, Michael K. Gillis, of Gillis & Bikofsky, P.C., attorneys for RARE Hospitality International, Inc., hereby certify that on December 14, 2006, a true copy of the above document was served upon all counsel of record by First Class Mail.

RARE HOSPITALITY INTERNATIONAL, INC.  
d/b/a LONGHORN STEAKHOUSE

By its Attorneys,



Michael K. Gillis, Esq.

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